

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

Civil Action No. 4:13-CV-129-F

GLADYS M. FREEMAN, as )  
Administratrix of the Estate of Roger )  
Anthony, )

Plaintiff, )

v. )

JOHN P. TURNER, individually and in )  
his official capacity as a Police Officer )  
with the Town of Scotland Neck, and the )  
TOWN OF SCOTLAND NECK, )  
NORTH CAROLINA , )

Defendants. )

**STIPULATION/CONSENT**  
**PROTECTIVE ORDER**

The parties in this case, by and through their undersigned counsel, and the North Carolina State Bureau of Investigation (hereinafter referred to as "NCSBI"), by and through its undersigned counsel, stipulate to the entry of this Consent Order upon approval from the Court allowing the release of NCSBI Case File No. 2011-02783-1051 to counsel for the parties.

Counsel for the parties and counsel for the SBI further stipulate and agree to the following which authorize this court's entry of the consent order:

1. The parties request the NCSBI investigative file to assist in their prosecution and/or defense of this case and the claims and defenses asserted herein.
2. The NCSBI file material is relevant to the subject matter involved in the case before this Court.

3. Counsel for the NCSBI has discussed the proposed dissemination with the Special Agent in charge of the investigation, and said agent has no objection to releasing said material.

4. Counsel for the NCSBI, after reviewing this file, has determined that he has no objections to turning over the material requested to the parties in this case in response to their request for the following reasons:

A. No policy reason exists for denial of the request of the parties for production of these materials;

B. There is no prejudice to the NCSBI by releasing this material;

C. There are no identities of persons contained in the materials which need to be protected;

D. Any criminal investigation which might have been the subject of this file has been concluded with no criminal charges presently pending; and

E. The interest of the State of North Carolina is not prejudiced in any way by the release of these materials to the counsel for the parties.

5. Except as may be otherwise provided by further order of the Court, documents contained within the NCSBI file shall be used for no purpose other than prosecuting or defending this action and shall be disclosed only to the persons identified in Paragraph 6 below.

6. Access to and the use of any documents, or any part thereof, designated as part of the NCSBI file shall be limited to:

A. The Court;

B. The parties and attorneys of record for the parties;

C. Court-appointed mediators;

- D. Consultants and technical experts involved in the preparation of this action;
- E. Court reporters, their transcribers, assistants, and employees;
- F. Any potential or actual deposition or trial witness to the extent that it is necessary to tender to such witness as an exhibit a confidential documents in order to elicit testimony relevant to the matters at issue in this case; and
- G. The jury.

7. Counsel may make copies of the NCSBI file materials for the parties' experts upon receiving from said experts a written agreement that said experts will be bound by the terms of this Protective Order. The requirement of obtaining such an agreement shall be satisfied by having each expert read, acknowledge, and agree in writing to be bound by this Protective Order. A file of all such written acknowledgments shall be maintained by counsel for the parties. By signing the declaration agreeing to be bound by this Protective Order, each expert submits himself or herself to the jurisdiction of this Court for purposes of enforcement of this Protective Order.

8. Individuals who are permitted access to the NCSBI materials pursuant to Paragraph 7 are hereby ordered not to show, convey, or reproduce any documents so designated or parts thereof, or copies thereof, of any matter contained therein, or any extracts or summaries thereof, to any individual, or to any entity that would not otherwise have access to said documents under the provisions of this Protective Order.

9. Any document designated part of the NCSBI file and filed with the Court, and any brief referring to such document shall be kept by the Clerk under seal and shall be made

available only to Plaintiff, Defendants, and/or persons authorized by the terms of this Protective Order to have access thereto. The party filing any such document shall be responsible for designating to the Clerk that it is subject to this Protective Order and is to be kept under seal unless ordered otherwise by the Court.

10. At the conclusion of this litigation, each document produced by the NCSBI and subject to this Protective Order shall be returned to the NCSBI for destruction.

SO ORDERED, this the 8th day of January, 2014.

Approved by:

  
U.S. DISTRICT COURT JUDGE  
Eastern District North Carolina

January 8, 2014  
Date

**Robert B. Jones, Jr.**  
**US Magistrate Judge**

**AGREED TO BY:**

/s/ Kari R. Johnson for John Watters

JOHN WATTERS

State Bar No. 9024

North Carolina State Bureau of Investigation

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*and John P. Turner in his Official Capacity*

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